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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,378	11/26/2001	Tomoyuki Ohno	B422-177	1810
26272 7590 09/26/2007 COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036			EXAMINER HUYNH, SON P	
			ART UNIT 2623	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/995,378	<b>Applicant(s)</b> OHNO, TOMOYUKI	
	<b>Examiner</b> Son P. Huynh	<b>Art Unit</b> 2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 58-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 58-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to new claims 58-67 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-57 have been canceled.

### ***Claim Objections***

2. Claims 58-67 are objected to because of the following informalities:

Claims 58, 61, 62, 65, line 4, recite "the plurality of broadcast channels" should be replaced as – a plurality of broadcast channels.

Claim 59, line 2, recites limitation "the selected broadcast program" should be replaced as – a selected broadcast program.

Appropriate corrections are required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2623

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 58-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Yuen et al. (US 6,154,203) – hereinafter referred as Y203.

Note: U.S Patent 6,239,794 B1 (referred as Y794) and U.S Patent 6,477,705 B1 (referred as Y705) are incorporated fully by reference in Y203 (see Y203: col. 2, lines 59-65, col. 4, lines 26-30).

Regarding claim 58, Y203 discloses a display controlling apparatus for generating an electronic program guide including a program information display area in which program information of a plurality of programs are arranged in accordance with a time axis and a channel axis corresponding to the plurality of broadcast channel, and causing a display apparatus to display the generated electronic program guide (television receiver for generating an electronic television program guide (EPG) including a program information display area (e.g., 46, 43) in which program information of a plurality of programs such as program title, time, broadcast channel, etc. are arranged in accordance with time axis and a channel axis corresponding to a plurality of broadcast channels (e.g., Fox, PBS, CBS, etc.) and causing a display apparatus such as TV to display the generated EPG – see include, but are not limited to, figures 1-7, col. 3, line

66-col. 7, line 32), the display controlling apparatus (television receiver – figures 1, 7) comprising:

a control unit which effects control to scroll the plurality of channels in a direction of the channel axis in accordance with a scroll operation of a user (e.g., microprocessor and/or any component in television receiver effects to scrolls the plurality of channels when the user, for example, using user input device to scrolls the plurality of channels in direction down/up of channel axis– see include, but are not limited to, figures 1-7, col. 7, lines 17-32);

a selection unit which selects at least one of the plurality of broadcast channels in accordance with a selection operation of the user (e.g., user, using user input device, to select at least one of the plurality of broadcast channel (e.g., FOX 11, KCPO, etc.) – see include, but are not limited to, figures 1-7, col. 4, line 53-col. 5, line 50);

wherein in a case where the selection unit selects the broadcast channel, the control unit effects the control to scroll the broadcast channels other than the broadcast channel selected by the selection unit, in the direction of the channel axis while fixing the selected broadcast channel on the channel axis (in case where the selection unit select the broadcast channel (e.g., last channel KCOP, or FOX 11), the microprocessor and/or any components that controls scrolling, scrolls through other program listings (associated with other channels) in the direction of up/down of channel axis while the listings of selected broadcast channel (e.g., last channel KCOP, or FOX 11) remain in their designated positions – see include, but are not limited to, figures 4-5, col. 6, lines 55-62, col. 7, lines 17-32).

Regarding claim 59, Y203 discloses the display control apparatus as discussed in the rejection of claim 58. Y203 further discloses the control unit fixes a selected broadcast program on the end point of the channel axis in the program information display area (e.g., microprocessor and/or any components that control scrolling, fixes a selected broadcast program associated with last channel, or FOX 11 at the top or at the bottom of channel axis in the program information display area – see include, but are not limited to, col. 7, lines 17-32, figures 4-5).

Regarding claim 60, Y203 discloses the display control apparatus as discussed in the rejection of claim 58. Y203 further discloses the selection unit is also arranged to select at least one of the plurality of programs (e.g., using user input device to select “HARD COPY” – see include, but are not limited to, figure 4), and

wherein the display controlling apparatus further comprises a display unit which cause the display apparatus to display detailed program information, which is more detail than the program information, of the program selected by the selection unit in a display area different from the program information display area (the television receiver comprises display unit such as video processor, PIP, microprocessor, etc. which cause the television 20 to display detailed program description such as brief description or real time video image of the selected program in display area 44 or PIP video window 42 different from the program information display 43,46 – see include, but are not limited to, figures 1-7, col. 5, lines 12-22, col. 6, line 62-col. 7, line 39).

Regarding claim 61, the limitations that correspond to the limitations of claim 58 are analyzed as discussed with respect to the rejection of claim 58, wherein the limitation “first mode for scrolling the plurality of broadcast channels in a direction of the channel axis in accordance with a scroll operation of the user” is interpreted as user, using the user input device, to scroll up/down a plurality of channels (e.g., non-selected channels) in the EPG – see include but are not limited to, figure 2, col. 4, lines 31-67, col. 6, lines 55-61), and a second mode for scrolling the broadcast channels other than the broadcast channel selected by the selection unit, in the direction of the channel axis while fixing the selected broadcast channel on the channel axis (scrolling the non-selected broadcast channels associated with program listings other than the broadcast channel selected by user input device, in the direction up/down of the channel axis while fixing the selected channel (e.g., last channel, FOX 11) – see col. 7, lines 15-32, and discussion in the rejection of claim 58).

Regarding claims 62-65, the limitations of the method as claimed correspond to the limitations of the apparatus as claimed in claims 58-61, and are analyzed as discussed with respect to the rejections of claims 58-61.

Regarding claims 66-67, the limitations of a recording medium computer-readably correspond to the limitations of claims 62 and 65 respectfully. Y203 further discloses television comprises memory and microprocessor 24 is programmed to execute the all

the functions in response to user operations – see include, but are not limited to, figures 1,7, col. 4, lines 3-16). Thus, Y203 disclose a recording medium computer-readably storing a program comprising a program code for causing a computer to execute the control method of a display controlling apparatus, set for in claim 62 and claim 65 so that the method as set for in claim 62, 65 are performed automatically by the microprocessor.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gerba et al. (US 2002/0138834 A1) discloses system and method for displaying advertising in an interactive program guide.

Gerbar et al. (US 6,445,398 B1) discloses method and system for providing user interface for electronic program guide.

Knudson et al. (US 2005/0216936 A1) discloses program guide system with advertisements.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the



shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh

September 22, 2007

